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THE CITY OF NEW YORK
LAW DEPARTMENT

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MEMO ENDORSED

July 30, 2008

Application granted.
SO ORDERED:

BY HAND

Honorable William H. Pauley
United States District Court Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

WILLIAM H. PAULEY III U.S.D.J.
8/4/08

Re: Carlos Negron v. The City of New York, et al. 07 CV 7408 (WHP) (KNF)

Dear Judge Pauley:

The final pre-trial conference
is adjourned to December 12, 2008
at 11:30 a.m.

I am an Assistant Corporation Counsel in the Special Federal Litigation Division of the New York City Law Department and attorney for defendants City of New York, NYPD Detective Reyes, New City Department of Correction Captain Phillips, Correction Officer Hopkins, Correction Captain Adams and Assistant Deputy Warden Crews (hereinafter "City Defendants"). I am writing with the consent of plaintiff's counsel, J. McGregor Smyth, to respectfully request: (1) a ninety (90) day enlargement of time from July 31, 2008, until October 29, 2008, within which to complete discovery and (2) a corresponding enlargement of the date for filing a joint pre-trial order from September 5, 2008 to December 4, 2008. This is the parties' first request for an enlargement of discovery in this action.

The complaint alleges, inter alia, that plaintiff Carlos Negron was falsely arrested/imprisoned and searched by members of the New York City Police Department. The complaint further alleges that plaintiff was not properly protected while in the custody of the New York City Department of Correction. There are numerous reasons for this request for an extension. As a threshold matter, issue was recently joined by four defendants and one additional named individual has yet to be served. Also, there remain several discovery issues outstanding.

On April 10, 2008, plaintiff filed a duly executed Stipulation and the Court endorsed an Order to file an amended complaint. An amended complaint was filed with the Court on May 9, 2008. On May 16, 2008 an answer to the amended complaint was filed on behalf of defendants City of New York and Detective Reyes. An answer to the amended complaint was filed on behalf of newly named defendants Captain Phillips, Correction Officer

Hopkins, Captain Adams and Assistant Deputy Warden Crews on July 2, 2008 after service had been effectuated and representational decisions had been made. It is my understanding that Detective Vazquez was recently served with a copy of the complaint in this matter and that plaintiff intends on serving Lieutenant Caban shortly.

Since the parties last appeared before Your Honor, a number of service and representation issues have been resolved and the parties have been engaged in document discovery. For approximately six weeks since our last appearance, plaintiff's counsel was out on scheduled leave and, as a result, there was limited activity in the matter. However, counsel are now hopeful that once the appropriate parties are named and issue has been joined, fact discovery will move along at a faster pace. Additionally, City defendants are interested in discussing possible resolution of this matter. To that end, City defendants have requested a settlement demand from plaintiff. An enlargement of time will afford the parties the opportunity to further explore settlement prior to expending the costs of deposition discovery.

In view of the foregoing, it is respectfully requested that the Court grant the within requests for (1) a ninety (90) day enlargement of time from July 31, 2008, until October 29, 2008, to complete discovery and (2) a corresponding enlargement of the date for filing a joint pre-trial order from September 5, 2008 to December 4, 2008.

Thank you for your consideration in this regard.

Respectfully submitted,



Meghan A. Cavalieri (MC 6758)
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cc: VIA FACSIMILE
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